

STATEMENT OF OBJECTS AND REASONS

Under article 297 of the Constitution, all lands, minerals and other things of value underlying the ocean within the territorial waters or the continental shelf of India vest in the Union to be held for the purposes of the Union. India has sovereign rights over the resources of the exclusive economic zone and is entitled to exercise jurisdiction in respect of certain other matters. It is proposed to amend article 297 of the Constitution so as to provide that all lands, minerals and other things of value underlying the ocean within the exclusive economic zone of India and all other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union. At present, the limits of territorial waters and the continental shelf are determined by Proclamation issued by the President. It is proposed that the limits of the territorial waters, the continental shelf, the exclusive economic zone and the maritime zones of India shall be as specified from time to time by or under law made by Parliament.

2. Recourse was had in the past to the Ninth Schedule whenever it was found that progressive legislation conceived in the interest of the public was imperilled by litigation. Certain State legislations relating to land reforms and ceiling on agricultural land holdings have already been included in the Ninth Schedule. Certain amendments made to these legislations also require protection of the provisions of article 31B inasmuch as in many cases such enactments have been challenged in courts and courts have granted interim reliefs which has hampered the implementation of the national land reform policy.

3. Besides these Acts relating to land reforms certain State enactments relating to private forests require protection of article 31B as these enactments are progressive and beneficial pieces of legislation intended to end the monopoly of vested interests and forest contractors. Some of such legislations have been challenged in courts and as the courts have granted interim reliefs staying the operation of these enactments, the State Governments have not been able to implement these legislations.

4. Certain Central laws like the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, the Urban Land (Ceiling and Regulation) Act, 1976, the Essential Commodities Act, 1955 and certain provisions of the Motor Vehicles Act, 1939 require protection of article 31B. If these legislations are allowed to be challenged in courts of law thereby delaying the implementation of these laws, the very purpose of enacting these laws would be frustrated and the national economy may be severely affected. These and other important and special enactments which it is considered necessary should have the constitutional protection are proposed to be included in the Ninth Schedule.

5. The Bill seeks to give effect to the above objects.

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The 18th May, 1976.